

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16303 Definitions. For the purposes of this part, the following words and phrases will have the following meanings unless the context clearly indicates otherwise:

"Building" means any structure used or intended to be used for supporting or sheltering any use or occupancy that may include cooking, eating, sleeping, and sanitation facilities.

"Cherry harvest camp" or **"camp"** means a place, area, or piece of land where dwelling units or campsites are provided by an operator during the cherry harvest.

"Common food-handling facility" means an area designated by the operator for occupants to store, prepare, cook, and eat their own food supplies.

"Current certificate (first aid)" means a first-aid training certificate that has not expired.

"Department" means the Washington state department of health and/or the department of labor and industries.

"Dining hall" means a cafeteria-type eating place with food furnished by and prepared under the direction of the operator for consumption, with or without charge, by occupants.

"Drinking fountain" means a fixture equal to a nationally recognized standard or a designed-to-drain faucet, which provides potable drinking water under pressure. "Drinking fountain" does not mean a bubble-type water dispenser.

"Dwelling unit" means a shelter, building, or portion of a building, that may include cooking and eating facilities, which is:

- ⌘ Provided and designated by the operator as either a sleeping area, living area, or both, for occupants; and

- ⌘ Physically separated from other sleeping and common-use areas.

Note: For the purpose of this Part L1, a "tent" is considered a dwelling unit.

"First-aid qualified" means that the person holds a current certificate of first-aid training from the American Red Cross or another course with equivalent content or hours.

"Food-handling facility" means a designated, enclosed area for preparation of food.

"Group A water system" means a public water system and includes community and noncommunity water systems.

(a) A community water system means any Group A water system providing service to fifteen or more service connections used by year-round residents for one hundred eighty or more days within a calendar year, regardless of the number of people, or regularly serving at least twenty-five year-round (i.e., more than one hundred eighty days per year) residents.

(b) A noncommunity water system means a Group A water system that is not a community water system. Noncommunity water systems are further defined as:

- (i) Nontransient (NTNC) water system that provides service opportunity to twenty-five or more of the same nonresidential people for one hundred eighty or more days within a calendar year.

- (ii) Transient (TNC) water system that services:

- ⌘ Twenty-five or more different people each day for sixty or more days within a calendar year;

☛ Twenty-five or more of the same people each day for sixty or more days, but less than one hundred eighty days within a calendar year; or

☛ One thousand or more people for two or more consecutive days within a calendar year.

"Group B water system" means a public water system:

(a) Constructed to serve less than fifteen residential services regardless of the number of people; or

(b) Constructed to serve an average nonresidential population of less than twenty-five per day for sixty or more days within a calendar year; or

(c) Any number of people for less than sixty days within a calendar year.

"Health officer" means the individual appointed as such for a local health department under chapter 70.05 RCW or appointed as the director of public health of a combined city-county health department under chapter 70.08 RCW.

"Livestock" means horses, cows, pigs, sheep, goats, poultry, etc.

"Livestock operation" means any place, establishment, or facility consisting of pens or other enclosures in which livestock is kept for purposes including, but not limited to, feeding, milking, slaughter, watering, weighing, sorting, receiving, and shipping. Livestock operations include, among other things, dairy farms, corrals, slaughterhouses, feedlots, and stockyards. Operations where livestock can roam on a pasture over a distance may be treated as outside the definition.

"MSPA" means the Migrant and Seasonal Agricultural Worker Protection Act (96 Stat. 2583; 29 U.S.C. Sec. 1801 et seq.).

"Occupant" means a temporary worker or a person who resides with a temporary worker at the campsite.

"Operating license" means a document issued annually by the department of health or contracted health officer authorizing the use of temporary worker housing.

"Operator" means a person holding legal title to the land on which the camp is located. However, if the legal title and the right to possession are in different persons, "operator" means a person having the lawful control or supervision over the camp.

"Recreational park trailers" means a trailer-type unit that is primarily designed to provide temporary living quarters for recreational, camping, or seasonal use, that meets the following criteria:

☛ Built on a single chassis, mounted on wheels;

☛ Having a gross trailer area not exceeding 400 square feet (37.15 square meters) in the set-up mode; and

☛ Certified by the manufacturer as complying with ANSI A119.5.

"Recreational vehicle" means a vehicular-type unit primarily designed as temporary living quarters for recreational camping, travel, or seasonal use that either has its own (~~motive~~) mode of power or is mounted on, or towed by, another vehicle. Recreational vehicles include: Camping trailers, fifth-wheel trailers, motor homes, travel trailers, and truck campers, but does not include pickup trucks with camper shells, canopies or other similar coverings.

"Refuse" means solid wastes, rubbish, or garbage.

"Temporary worker" means an agricultural employee employed intermittently and not residing year-round at the same site.

"Tent" means an enclosure or shelter constructed of fabric or pliable material composed of rigid framework to support tensioned membrane that provides the weather barrier.

"WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW, administered by the Washington state department of labor and industries.

AMENDATORY SECTION (Amending WSR 00-06-081, filed 3/1/00, effective 3/1/00)

WAC 296-307-16310 Operating license. A cherry tent camp license is limited to ~~((twenty-one days))~~ one week before the commencement through one week following the conclusion of the cherry harvest within the state.

The operator:

(1) Must request a license from the department of health or health officer when:

(a) The camp will house ten or more occupants;

(b) Compliance with MSPA requires a license; or

(c) Construction of camp buildings requires a license under chapter 246-359 WAC, Temporary worker housing construction standard.

(2) Must apply for an operating license at least forty-five days prior to either the use of the camp or the expiration of an existing operating license by submitting to the department of health or health officer:

(a) A completed application on a form provided by the department or health officer;

(b) Proof water system is current with all water tests required by chapter 246-290 or 246-291 WAC; and

(c) A fee as specified in WAC 246-361-990.

~~(3) ((May receive a license extension from the department of health for up to seven days when:~~

~~(a) The operator requests an extension for additional days at least three days before the license expiration date; and~~

~~(b) The department in consultation with the local health jurisdiction will determine if an extension would serve to protect the public health.~~

~~(4))~~ Will receive an operating license for the maximum number of occupants as determined by WAC 246-361-030 when:

(a) The application requirements from subsection (2) of this section are met;

(b) The site is in compliance with this part as demonstrated by a licensing survey completed by the department; and

(c) The operator complies with the corrective action plan established by the department.

~~((5))~~ (4) Must post the operating license in a place readily accessible to workers.

~~((6))~~ (5) Must notify the department of health in the event of a transfer of ownership.

~~((7))~~ (6) Must cooperate with the department during on-site inspections.